

22 9087
22 9088**NEVADA CENTRAL RAILROAD****BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074**
(702) 914-7796**ENTERED**
Office of Proceedings

APR - 1 2011

ROBERT ALAN KEMP, D/B/A:**Part of**
Public Record**NEVADA CENTRAL RAILROAD****VIA - IMMEDIATE FAX FILING**

(Friday), April 1, 2011

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

BY EMERGENCY FAX FILING: 202-245- 0461 - 0464

RE: Docket No.**AB-1053 (SUB-NO. 1X)****MOTION FOR LATE FILING OF PETITION FOR**
EXTENSION OF TIME TO FILE OF OFA**PETITION FOR EXTENSION OF TIME TO FILE OFA****Michigan Air-Line Railway Co.****-- ABANDONMENT EXEMPTION --**

Ms. Brown:

Today, I have enclosed the instant original and three copies of: ROBERT ALAN KEMP, D/B/A; NEVADA CENTRAL RAILROAD's: MOTION FOR LATE FILING OF PETITION FOR EXTENSION OF TIME TO FILE OFA, and PETITION FOR EXTENSION OF TIME TO FILE OFA within: AB-1053-1X. If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,


Robert Alan Kemp (702) 914-7796**Sole Proprietor D/B/A; NEVADA CENTRAL RAILROAD, Henderson, NV 89074****Enclosures: Notice of Intent, Certification of Service**

cc: Mr. John T. Diglio, Jr., Vice Chairman - Director/President,
Mr. Joseph Anthony McNulty, III - Director/Vice President,

HTLS
HTLS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-1053 (Sub. No: 1X)

**Michigan Air-Line Railway Co.
-- ABANDONMENT EXEMPTION --
IN OAKLAND COUNTY, MISSOURI**

**MOTION FOR LATE FILING OF PETITION FOR EXTENSION
OF TIME TO FILE OFA**

PETITION FOR EXTENSION OF TIME TO FILE OFA.

(WIXOM INDUSTRIAL LEAD)

ROBERT ALAN KEMP, D/B/A;

- NEVADA CENTRAL RAILROAD -

**THIS INFORMATION IS PROVIDED BY NEVADA CENTRAL RAILROAD IN RESPONSE TO THE
PETITION FOR ABANDONMENT EXEMPTION FILED BY MICHIGAN AIR-LINE RAILWAY CO. TO THE
STB ON: JANUARY 28th, 2011.**

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby files his MOTION FOR LATE FILING OF HIS PETITION FOR EXTENSION OF TIME TO FILE OFA, and PETITION FOR EXTENSION OF TIME TO FILE OFA to the Board with respect to the future filing by this Petitioner of his (Offer of Financial Assistance) within this proceeding. Following direct and continuing communications between Petitioner and the President of the Michigan Air-Line Railway Co., hereafter ("MAL"), this Petitioner has now confirmed as of TODAY (Friday) April

1st., 2011, thru recent direct Personal Telephone Communication with Mr. Robert Butler, that MAL has agreed to continue its work with its own legal counsel to complete the Provision of the Information previously requested by This Petitioner as previously and clearly identified within his Notice of Intent to File OFA timely filed on February 28th., 2011. Mr. Butler has personally confirmed to this Petitioner that MAL will ensure that Petitioner receives the relevant NLV to satisfy Petitioners original request for same as soon as possible. Therefore Petitioner hereby respectfully informs the Board, that Petitioner at this time believes that Mr. Butler intends to fully cooperate with Petitioner.

2. In terms of the instant Late Filing, Petitioner hereby respectfully notices the Board that Petitioner has recently in this and other case's made the same procedural error in his interpretation of Board Rules concerning the Time Period for which to File his (Petition For Extension of Time to File OFA.), and that Petitioner did not intend to exhibit any disrespect for Board Rules in this regard concerning OFA procedures. In this case, as precisely in the case in AB-33-297-X, Petitioner confused and thus miscalculated application requirements of the 10-day Time Period for which to Toll the Time to File OFA, with the 40-Day time period from which the Abandonment Exemption was filed. Further, Petitioner assumed that the Board would enter a Published NOTICE OF DECISION confirming the Suspension of the 10903 Abandonment Proceeding, and Initiation and or Procedural Conversion over to the 10904 Proceeding as previously requested in his Notice of Intent to File OFA, which would have included additional relevant directives and dates concerning the filing deadlines under OFA procedures, as previously experienced by Petitioner. Therefore, Petitioner hereby apologizes to the Board and Staff for any inconvenience that may have been caused regarding his failure to timely File his Motion for Extension of Time.

3. TODAY (Friday) April 1st., 2011, Petitioner hereby respectfully notices the Board that MAL as of TODAY, (Friday) April 1st., 2011, has Not yet provided Petitioner with the NLV and All Supporting Information specifically and timely requested by Petitioner as necessary to compile his OFA based on Analysis of the information anticipated by Petitioner to be included within the NLV Information Package. Based on information provided to Petitioner personally by Mr. Butler, MAL does NOT intend to Object to

Petitioners Late Filing Motion for Extension of Time, and further Petitioner hereby asserts that No Party engaged in the instant proceeding will be Biased and thus Harmed as a result of the Granting by the Board of the instant Late Filing for Extension of Time To File OFA. Petitioner respectfully directs that Board to take notice of the fact that the Board has affirmatively accepted Late Filings of (Offers of Financial Assistance) from other Parties, and that in order for Petitioner to Timely Comply with the provision of 10904 Procedures and file his OFA, that Petitioner will require Additional Time to collect ALL the NLV Data requested from MAL, as well as to obtain Additional Time to Analyze the information contained therein once received. Most important, is the fact that this Petitioner has recently confirmed that Mr. Butler has indicated that MAL will cooperate with Petitioner based on Petitioners expectations with regard to the anticipated Time Line for which Petitioner expects to both prepare and file his OFA.

4. Petitioner hereby asserts that his continuing intent to closely work with MAL, to form a reasonable agreement for the acquisition of the said Rail Line in Michigan, which is the subject of this proceeding, that Petitioner has recently named the: (WIXOM INDUSTRIAL LEAD). Petitioner is confident that his acquisition of the instant Rail Line will provide the basis for a resolution that is in the best interests of both MAL and NCR, as well as American Plastic Toy Company, and further is in the best interest of the People of the United States, in that Petitioners anticipated continuing use of the (Wixom Industrial Lead) will enable [NCR, and All Class-1 Railroads] operating in the state of Michigan to directly benefit from the production of both [LOWER COST] Electrical Power and Ultra Low Emissions Fuel as an operational and financially viable alternative to conventional High Polluting Petrochemical Fossil Fuel Based: Electricity and Liquid Fuel resources.

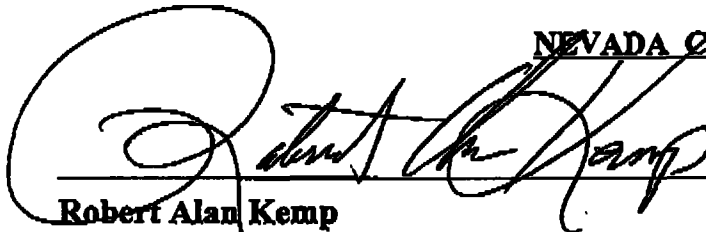
5. For ALL of the reasons stated herein, this Petitioner ROBERT ALAN KEMP, D/B/A; NEVADA CENTRAL RAILROAD, hereby requests that the Board Grant Petitioners; MOTION FOR LATE FILING OF HIS PETITION FOR EXTENSION OF TIME TO FILE OFA, as well the instant PETITION FOR EXTENSION OF TIME TO FILE OFA, and therefore confirm the 10904 Proceeding in this docket. Petitioner respectfully requests additional time of (30-Days) from the receipt of All of the Information requested in his Notice to file his OFA, as this will enable Petitioner necessary time to confirm

an Equitable Solution enabling Petitioner to expeditiously restore heavy rail service back to: American Plastic Toy Company.

Respectfully submitted this: 1st. Day of April, 2011.

by: ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD



Robert Alan Kemp

Individual Sole Proprietor: NEVADA CENTRAL RAILROAD

2741 - Pinewood Avenue,

Henderson, Nevada, 89074 (702) 914- 7796

CERTIFICATE OF SERVICE

I, Robert Alan Kemp, hereby certify that (3-EA.) copies of the instant (5 -Page): MOTION AND PETITION, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 1st. day of April, 2011, via First Class US-Mail, as well as a single copy of same to:

MICHIGAN AIR-LINE RAILWAY CO.

Alderson, Alderson, Weiler, Conklin, Burghart, & Crow, L.L.C.

P.O. Box: 237

Topeka, Kansas 66601-0237

AMERICAN PLASTIC TOY CO.

Atty: Troy R. Taylor

107 - E. Main St.

Ste: # 204,

Northville, MI 48167

(248) 348- 6988 Voice

(248) 348- 6922 Fax



Robert Alan Kemp, ("NCR")

(702) 914- 7796